

☐ Individual appearing without attorney
☒ Attorney for: Todd A. Frealy, Chapter 7 Trustee

In re:
FIRE and ICE, INC.,

CASE NO.: 6:14-bk-11064-MW
CHAPTER: 7

Debtor(s).

Location:

Last date to file objections: 08/12/2014

Real property located at 2333 Hamner Avenue, Norco, California 92860 ("Property")

Condition of Property: Property purchased "as-is" without any representations or warranties of any kind

Broker's Commissions: Five percent (5%)

Proposed sale price: \$ 1,110,000.00

Overbid procedure (if any): See Proposed Overbidding Procedures attached as Exhibit 1 hereto.

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

August 26, 2014

2:00 p.m.

U.S. Bankruptcy Court

3420 Twelfth Street

Riverside, CA 92501

Contact person for potential bidders (include name, address, telephone, fax and/or email address):

Carmela T. Pagay, Esq.

Levene, Neale, Bender, Yoo & Brill L.L.P.

10250 Constellation Boulevard, Suite 1700

Los Angeles, CA 90012

Telephone: (310) 229-1234

Facsimile: (310) 229-1244

Email: ctp@lnbyb.com

Date: 08/05/2014

EXHIBIT 1

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PROPOSED OVERBID PROCEDURES

FOR PURCHASE OF PROPERTY

1. Anyone interested in submitting an overbid with respect to the purchase of the Property must attend the hearing on the Motion or be represented by an individual at the hearing (either in person or telephonically) with authority to participate in the overbid process.

2. An overbid will be defined as an initial bid of \$10,000 above the \$1,110,000 proposed purchase price or higher with each additional overbid to be in \$5,000 increments.

3. Overbidders (except for the Purchaser) must deliver a deposit to the Trustee's counsel by way of cashier's check made payable to "Todd A. Frealy, Chapter 7 Trustee," in the amount of \$112,000 (the "Deposit") and proof of ability to close escrow unconditionally in a form acceptable to the Trustee no later than 7 calendar days prior to the hearing on the Motion.

4. Overbidders must purchase the Property on the same terms and conditions as the Purchasers.

5. The Deposit of the successful overbidder shall be forfeited if such party is thereafter unable to complete the purchase of the Property within 15 calendar days of entry of the order confirming the sale.

6. In the event the successful overbidder cannot timely complete the purchase of the Property, the Trustee shall be authorized to proceed with the sale to the next highest overbidder.

7. If there are any qualified overbidders, an auction of the Property shall be held during the hearing on the Motion (on **August 26, 2014 at 2:00 p.m.**) at which time the Court shall determine the highest and best bid for the Property.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 10250 Constellation Boulevard, Suite 1700, Los Angeles, CA 90017.

A true and correct copy of the foregoing document entitled (*specify*): **NOTICE OF SALE OF ESTATE PROPERTY**; will be served or was served (**a**) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (**b**) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **August 5, 2014**; I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Steven L. Bergh on behalf of Creditor Independence Bank, N.A.
sbergh@pnbd.com

Todd A. Frealy (TR)
tafrustee@lnbyb.com, tfrealy@ecf.epiqsystems.com

Michael S Geller on behalf of Creditor TK Auto Wholesale Inc.
msg@gslawllp.com

Yoon O Ham on behalf of Debtor Fire and Ice Inc
hamy@lewishamlaw.com

Carmela Pagay on behalf of Trustee Todd A. Frealy (TR)
ctp@lnrb.com

Lindsey L Smith on behalf of Trustee Todd A. Frealy (TR)
lls@lnbyb.com

United States Trustee (RS)
ustpreion16.rs.ecf@usdoj.gov

2. SERVED BY UNITED STATES MAIL: On **August 5, 2014**; I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

VIA U.S MAIL

The Honorable Mark S. Wallace
Ronald Reagan Federal Building and Courthouse
411 West Fourth Street, Suite 6135 / Courtroom 6C
Santa Ana, CA 92701-4593

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **August 5, 2014**; I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

VIA ATTORNEY SERVICE

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

August 5, 2014
Date

Marla L. Fuentes
Printed Name

/s/ Marla L. Fuentes
Signature